

## Title 8 Statutes that Reference Ombudsman-Citizens' Aide

[Updated January 19, 2024]

### 8-529. Children in foster care and kinship foster care; rights

A. A child in foster care and kinship foster care has the following rights:

1. To appropriate care and treatment in the least restrictive setting available that can meet the child's needs according to the best judgment of the foster parent.
2. To live in a safe, healthy and comfortable placement where the child can receive reasonable protection from harm and appropriate privacy for personal needs and where the child is treated with respect.
3. To be placed with a relative when such placement is in the best interest of the child.
4. To be placed with or in close proximity to the child's siblings when possible and to visit and have contact with siblings and family members when it is in the best interest of the child.
5. To know why the child is in foster care and what will happen to the child and to the child's family, including siblings, and case plans.
6. Whenever possible, to be placed with a foster family that can accommodate the child's communication needs.
7. To be disciplined in a manner that is appropriate to the child's level of maturity and not be subjected to physical discipline methods.
8. To attend community, school, extracurricular and religious services and activities of the child's choice to the extent that it is appropriate for the child, as planned and discussed with the child's placement worker and caseworker and based on caregiver ability if transportation is available through a responsible party.
9. To go to school and receive an education that fits the child's age and individual needs. If remaining in the child's current school is not in the child's best interest, the child has the right to be enrolled in the least restrictive school available.
10. To training in personal care, hygiene and grooming.
11. To clothing that fits comfortably and is adequate to protect the child against natural elements such as rain, snow, wind, cold and sun.
12. To have personal possessions at home and to acquire additional possessions within reasonable limits, as planned and discussed with the child's foster parent, placement worker and caseworker, and based on caregiver ability.

13. To personal space, preferably in the child's foster home bedroom for storing clothing and belongings.
14. To healthy foods in healthy portions that are appropriate for the child's age.
15. To comply with any approved visitation plan, and to have any restrictions explained to the child in a manner and level of details deemed age appropriate by the foster parent in agreement with the caseworker and documented in the child's record.
16. If the child is six years of age or older, to receive contact information for the child's caseworker, attorney or advocate and to speak with them in private if necessary.
17. To be represented by an attorney in all proceedings initiated pursuant to this title.
18. To participate in age appropriate child's service planning and permanency planning meetings and to be given a copy or summary of each service plan and service plan review. The child may request someone to participate on the child's behalf or to support the child in this participation.
19. To attend the child's court hearing and speak to the judge.
20. To have the child's records and personal information kept private and discussed only when it is about the child's care except the foster parent shall have full access to the records to determine if the child will be successful in the home. During the foster placement, if the foster parent requests to view the record on experiencing problems with the child's adjustment, the full record shall be made available for viewing by the foster parent.
21. To receive medical, dental, vision and mental health services and to be informed about diagnoses and treatment options as is developmentally appropriate.
22. To be free of unnecessary or excessive medication.
23. To receive emotional, mental health or chemical dependency treatment separately from adults who are receiving services, as planned and discussed with the child's placement worker and caseworker, as is financially reasonable for the foster parent.
24. To report a violation of personal rights specified in this section without fear of punishment, interference, coercion or retaliation, except that an appropriate level of punishment may be applied if the child is proven to have maliciously or wrongfully accused the foster parent.
25. To be informed in writing of the name, address, telephone number and purpose of the Arizona protection and advocacy system for disability assistance.
26. To understand and have a copy of the rights listed in this section.

B. A child in foster care or kinship foster care who is at least fourteen years of age has the following rights:

1. To attend preparation for adult living classes and activities as appropriate to the child's case plan, as is financially reasonable for the foster parent.
2. To a transition plan that includes career planning and assistance with enrolling in an educational or vocational job training program.
3. To be informed of educational opportunities, including information regarding assistance and funding for postsecondary and vocational education.
4. To assistance in obtaining an independent residency when the child is too old to remain in foster care from the child's caseworker, attorney or advocate.
5. To request a court hearing for a court to determine if the child has the capacity to consent to medical care that is directly related to an illness, disease, deformity or other physical malady.
6. To receive help with obtaining a driver license, social security number, birth certificate or state identification card and credit reports with assistance in interpreting the reports and resolving inaccuracies in the report. The foster parent shall have discretion to determine if the child is responsible and mature enough to become a licensed driver.
7. To receive necessary personal information within thirty days after leaving foster care, including the child's birth certificate, immunization records and information contained in the child's education portfolio and health passport.
8. To participate in or reenter extended foster care when the child is at least eighteen and under twenty-one years of age pursuant to section 8-521.02.

C. The department shall provide information regarding a child's rights pursuant to this section and assistance in understanding and enforcing these rights to each child who enters foster care or kinship foster care or when there is a change in the child's foster care plan. The information shall also include the telephone number and email address of the department, the child's assigned case manager, the department's office of the ombudsman and the ombudsman-citizens aide. A copy of these rights shall be posted in a conspicuous place in all foster care and group homes.

D. If a child who is in foster care or kinship foster care believes that the child's rights under this section have been violated, the child or the child's representative may:

1. File a complaint with the department, the department's office of the ombudsman or the ombudsman-citizens aide pursuant to section 41-1376. A formal grievance may be initiated with the ombudsman at any time.

2. Notify the juvenile court in the child's ongoing dependency, severance or adoption proceeding, either orally or in writing, that the child's rights are being violated and request appropriate equitable relief. The court shall act on the notification as necessary within its discretion to promote the best interest of the child.

E. The rights provided in this section do not establish an independent cause of action.

#### 8-530. Foster parents and kinship foster care parents; rights

A. A foster parent or kinship foster care parent in this state has the following rights:

1. To be treated with consideration and respect for the foster parent or kinship foster care parent's personal dignity and privacy.
2. To be included as a valued member of the team that provides services to the foster child, including participation in meetings that involve the child's service team.
3. To receive support services that assist the foster parent or kinship foster care parent to care for the child in the foster home, including open and timely responses from agency personnel.
4. To be informed of all information regarding the child that will impact the foster home or family life during the care of the foster child.
5. To contribute to the permanency plan for the child in the foster home.
6. To have placement information kept confidential when it is necessary to protect the foster parent or kinship foster care parent and the members of the foster parent's or kinship foster care parent's household.
7. To be assisted in dealing with family loss and separation when a child leaves the foster home.
8. To be informed of all agency policies and procedures that relate to the foster parent's or kinship foster care parent's role as a foster parent or kinship foster care parent.
9. To receive training that will enhance the foster parent's or kinship foster care parent's skills and ability to cope as a foster parent or kinship foster care parent.
10. To report a violation of the rights specified in this section without fear of punishment, interference, coercion or retaliation.
11. To be able to receive services and reach personnel on a twenty-four hour, seven days per week basis.

12. To be granted a reasonable plan for respite from the role of foster parent or kinship foster care parent.

13. To confidentiality regarding issues that arise in the foster home.

14. To not be discriminated against on the basis of religion, race, color, creed, sex, national origin, age or physical disability.

15. To receive an evaluation on the foster parent's or kinship foster care parent's performance.

16. To be notified of a child returning to foster care pursuant to section 8-530.01 or when a child who is currently placed in foster care or kinship foster care becomes available for adoption.

B. The department shall provide information regarding a foster parent's or kinship foster care parent's rights pursuant to this section and assistance in understanding and enforcing these rights to each foster parent and kinship foster care parent when a child is placed in a foster parent's or kinship foster care parent's care or when there is a change in the child's foster care or kinship foster care plan. The information shall include the telephone number and email address of the department, the department's office of the ombudsman and the ombudsman-citizens aide.

C. If a foster parent or kinship foster care parent believes that the person's rights under this section have been violated, the foster parent or kinship foster care parent or the foster parent's or kinship foster care parent's representative may file a complaint with the department, the department's office of the ombudsman or the ombudsman-citizens aide pursuant to section 41-1376. A formal grievance may be initiated with the ombudsman at any time. If a foster parent or kinship foster care parent or a foster parent's or kinship foster care parent's representative files a complaint pursuant to this subsection, the person may also notify the juvenile court and all parties to the child's ongoing dependency, severance or adoption proceeding orally or in writing of the complaint.

D. The rights provided in this section do not establish an independent cause of action.

### 8-803. Limitation of authority; duty to inform

A. On initial contact with a parent, guardian or custodian under investigation pursuant to this article, a child safety worker shall:

1. Inform the family, both verbally and in writing, making reasonable efforts to receive written acknowledgement from the parent, guardian or custodian, of receipt of all of the following information:

(a) That the family is under investigation by the department.

- (b) The specific complaint or allegation made against that person.
- (c) That the worker has no legal authority to compel the family to cooperate with the investigation or to receive child safety services offered pursuant to the investigation.
- (d) That absent a court order, the family may deny the worker entry into the family's home.
- (e) That the family has the right to seek the advice of an attorney and to have an attorney present when questioned by a worker.
- (f) That anything the person says or writes may be used in a court proceeding.
- (g) That the family may refuse to do any of the following:
  - (i) Sign a release of information document.
  - (ii) Consent to take a drug or alcohol test.
  - (iii) Submit to a mental health evaluation.
- (h) The worker's authority to petition the juvenile court for a determination that a child is dependent.
- (i) The person's right to file a complaint with the ombudsman-citizens aide pursuant to section 41-1376. The worker shall provide the telephone number and email address of the ombudsman-citizens aide.
- (j) The person's right to appeal determinations made by the department.
- (k) Information outlining parental rights under the laws of the state.

2. Provide information to the family about the investigation and child safety decision-making process, document that this information has been provided and make reasonable efforts to receive written acknowledgement of receipt of this information. If the worker's reasonable efforts to obtain written acknowledgement of receipt of the information are unsuccessful, the worker shall document the reason why efforts to obtain written acknowledgement were unsuccessful.

B. The child safety worker shall also inform the person about whom the report was made about that person's right to respond to the allegations either verbally or in writing, including any documentation, and to have this information considered in determining if the child is in need of child safety services. The worker shall tell the person that anything the person says or writes can be used in a court proceeding. If the person makes a verbal response, the worker shall include the response in the written report of the investigation. If the person makes a written response, including any documentation, the worker shall include this response and the documentation in the case file. Information provided in response to the allegations shall be considered during the

investigation by the worker. The worker shall maintain the response and documentation in the case file and provide this information to the court before a hearing or trial relating to the dependency petition.

C. If the family declines to cooperate with the investigation or to accept or to participate in the offered services, or if the worker otherwise believes that the child should be adjudicated dependent, the worker may file with the juvenile court a petition requesting that the child in need of child safety services be adjudicated dependent.

D. Refusal to cooperate in the investigation or to participate in the offered services does not constitute grounds for temporary custody of a child except if there is a clear necessity for temporary custody as provided in section 8-821.

**8-807. DCS information; public record; use; confidentiality; violation; classification**

A. DCS information shall be maintained by the department as required by federal law as a condition of the allocation of federal monies to this state. All exceptions for the public release of DCS information shall be construed as openly as possible under federal law.

B. The department, or a person who receives DCS information pursuant to this subsection, shall provide DCS information to a federal agency, a state agency, a tribal agency, a county or municipal agency, a law enforcement agency, a prosecutor, an attorney or a guardian ad litem representing a child victim of crime pursuant to article II, section 2.1, Constitution of Arizona, a school, a community service provider, a contract service provider or any other person that is providing services pursuant to this article or article 9, 10, 11, 12, 13 or 14 of this chapter:

1. To meet its duties to provide for the safety and permanency of a child, provide services to a parent, guardian or custodian or provide services to family members to strengthen the family pursuant to this article or article 9, 10, 11, 12, 13 or 14 of this chapter.
2. To enforce or prosecute any violation involving child abuse or neglect or to assert the rights of the child as a victim of a crime.
3. To provide information to a defendant after a criminal charge has been filed as required by an order of the criminal court.
4. To help investigate and prosecute any violation involving domestic violence as defined in section 13-3601 or violent sexual assault as prescribed in section 13-1423.

C. The department shall disclose DCS information to a court, a party in a dependency or termination of parental rights proceeding or the party's attorney, the foster care review board or a court appointed special advocate for the purposes of and as prescribed in this title.

D. The department shall disclose DCS information to a domestic relations, family or conciliation court if the DCS information is necessary to promote the safety and well-being of children. The court shall notify the parties that it has received the DCS information.

E. A person or agent of a person who is the subject of DCS information shall have access to DCS information concerning that person.

F. The department may provide:

1. DCS information to confirm, clarify, correct or supplement information concerning an allegation or actual instance of child abuse or neglect that has been made public by a source or sources outside the department.
2. DCS information to a person who is conducting bona fide research, the results of which might provide DCS information that is beneficial in improving the department.
3. Access to DCS information to the parent, guardian or custodian of a child if the DCS information is reasonably necessary to promote the safety, permanency and well-being of the child.
4. DCS information if an employee of the department has a reasonable belief that exigent circumstances exist. For the purposes of this paragraph, "exigent circumstances" means a condition or situation in which the death of or serious injury to a child will likely result in the near future without immediate intervention.

G. The department shall disclose DCS information to a county medical examiner or an alternate medical examiner directing an investigation into the circumstances surrounding a death pursuant to section 11-593.

H. Access to DCS information in the central registry shall be provided as prescribed in section 8-804.

I. To provide oversight of the department, the department shall provide access to DCS information to the following persons, if the DCS information is reasonably necessary for the person to perform the person's official duties:

1. Federal or state auditors.
2. Persons conducting any accreditation deemed necessary by the department.
3. A standing committee of the legislature or a committee appointed by the president of the senate or the speaker of the house of representatives for purposes of conducting investigations related to the legislative oversight of the department. This information shall not be further disclosed unless a court has ordered the disclosure of this information, the information has been disclosed in a public or court record, or the information has been disclosed in the course of a public meeting or court proceeding.
4. A legislator who requests DCS information in the regular course of the legislator's duties. A legislator may discuss this information with another legislator if the other legislator has signed



the form prescribed in subdivision (d) of this paragraph in regard to the specific file that will be discussed. This information shall not be further disclosed unless a court has ordered the disclosure of this information, the information has been disclosed in a public or court record, or the information has been disclosed in the course of a public meeting or court proceeding. To request a file pursuant to this paragraph:

(a) The legislator shall submit a written request for DCS information to the presiding officer of the body of which the state legislator is a member. The request shall state the name of the person whose case file is to be reviewed and any other information that will assist the department in locating the file. The presiding officer may authorize a legislative staff member to attend with the legislator any meeting to review the file.

(b) The presiding officer shall forward the request to the department within five working days of the receipt of the request.

(c) The department shall make the necessary arrangements for the legislator to review the file at an office of the department, chosen by the legislator, within ten working days.

(d) The legislator and staff member shall sign a form, consistent with the requirements of this paragraph and paragraph 3 of this subsection, before reviewing the file, that outlines the confidentiality laws governing department files and penalties for further release of the information.

5. A citizen review panel as prescribed by federal law, a child fatality review team as provided in title 36, chapter 35 and the office of ombudsman-citizens aide.

6. An independent oversight committee established pursuant to section 41-3801.

7. The governor who shall not disclose any information unless a court has ordered the disclosure of the information, the information has been disclosed in a public or court record or the information has been disclosed in the course of a public meeting or court proceeding.

J. A person who has been denied DCS information regarding a fatality or near fatality caused by abuse, abandonment or neglect pursuant to subsection L of this section or section 8-807.01 may bring a special action pursuant to section 39-121.02 in the superior court to order the department to release that DCS information. A legislator has standing to bring or to join a special action regarding the release of DCS information or to challenge the redaction of released DCS information. The plaintiff shall provide notice to the county attorney, who has standing and may participate in the action. The court shall review the requested records in camera and order disclosure consistent with subsections A and L of this section and section 8-807.01. The court shall take reasonable steps to prevent any clearly unwarranted invasions of privacy and protect the privacy and dignity of victims of crime pursuant to article II, section 2.1, subsection C, Constitution of Arizona.

K. The department or a person who is not specifically authorized by this section to obtain DCS information may petition a judge of the superior court to order the department to release DCS

information. The plaintiff shall provide notice to the county attorney and to the attorney and guardian ad litem for the child, who have standing and may participate in the action. The court shall review the requested records in camera and shall balance the rights of the parties who are entitled to confidentiality pursuant to this section against the rights of the parties who are seeking the release of the DCS information. The court may release otherwise confidential DCS information only if the rights of the parties seeking the DCS information and any benefits from releasing the DCS information outweigh the rights of the parties who are entitled to confidentiality and any harm that may result from releasing the DCS information. The court shall take reasonable steps to prevent any clearly unwarranted invasions of privacy and protect the privacy and dignity of victims of crime pursuant to article II, section 2.1, subsection C, Constitution of Arizona.

L. Except as provided in subsection M of this section, before it releases records under this section or section 8-807.01, the department shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of a person who reports child abuse or neglect and to protect any other person if the department believes that disclosure of the DCS information would be likely to endanger the life or safety of any person. The department is not required by this section to disclose DCS information if the department demonstrates that disclosure would cause a specific, material harm to a department investigation. The department is not required by this section to disclose DCS information if, in consultation with the county attorney, the county attorney demonstrates that disclosure would cause a specific, material harm to a criminal investigation or prosecution.

M. A person who is the subject of an unfounded report or complaint made pursuant to this article or article 9, 10, 11, 12, 13 or 14 of this chapter and who believes that the report or complaint was made in bad faith or with malicious intent may petition a judge of the superior court to order the department to release the DCS information. The petition shall specifically set forth reasons supporting the person's belief that the report or complaint was made in bad faith or with malicious intent. The court shall review the DCS information in camera and the person filing the petition shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report or complaint was made in bad faith or with malicious intent and that disclosure of the identity of the person making the report or complaint would not be likely to endanger the life or safety of the person making the report or complaint, it shall provide a copy of the DCS information to the person filing the petition and the original DCS information is subject to discovery in a subsequent civil action regarding the making of the report or complaint.

N. The department shall provide the person who conducts a forensic medical evaluation with any records the person requests, including social history and family history regarding the child, the child's siblings and the child's parents or guardians.

O. The department shall provide DCS information on request to a prospective adoptive parent, foster parent or guardian, if the information concerns a child the prospective adoptive parent, foster parent or guardian seeks to adopt or provide care for.

P. If the department receives information that is confidential by law, the department shall maintain the confidentiality of the information as prescribed in the applicable law.

Q. A person may authorize the release of DCS information about the person but may not waive the confidentiality of DCS information concerning any other person.

R. The department may provide a summary of the outcome of a department investigation to the person who reported the suspected child abuse or neglect.

S. The department shall adopt rules to facilitate the accessibility of DCS information.

T. The department or a person who receives DCS information pursuant to subsection B of this section shall provide DCS information to law enforcement and a court to protect the safety of any employee of the department or the office of the attorney general or to protect a family member of such an employee.

U. A person who receives DCS information shall maintain the confidentiality of the information and shall not further disclose the information unless the disclosure is authorized by law or a court order.

V. The department may charge a fee for copying costs required to prepare DCS information for release pursuant to this section or section 8-807.01.

W. Unless explicitly prohibited by law, it is the public policy of this state that the department shall provide both of the following:

1. All DCS information and direct remote access to the department's automated case management system to the office of the ombudsman-citizen's aide and the auditor general.
2. Direct remote access to the department's automated case management system and any DCS information that is necessary to perform the foster care review board's statutory duties to the supreme court.

X. A person who violates this section is guilty of a class 2 misdemeanor.

### **8-823. Notice of taking into temporary custody**

A. If a child is taken into temporary custody pursuant to this article, the interested person, peace officer or child safety worker taking the child into custody shall provide written notice within six hours to the parent or guardian of the child, unless:

1. The parent or guardian is present when the child is taken into custody, then written and verbal notice shall be provided immediately.

2. The residence of the parent or guardian is outside this state and notice cannot be provided within six hours, then written notice shall be provided within twenty-four hours.

3. The residence of the parent or guardian is not ascertainable, then reasonable efforts shall be made to locate and notify the parent or guardian of the child as soon as possible.

B. The written notice shall contain a signature line for the parent or guardian to acknowledge receipt of both written and verbal notices. The written and verbal notices shall contain the name of the person and agency taking the child into custody, the location from which the child was taken and all of the following information:

1. Specific reasons as to why the child is being removed. The notice shall list the specific factors that caused the determination of imminent danger.

2. Services that are available to the parent or guardian, including a statement of parental rights and information on how to contact the ombudsman-citizens aide's office and an explanation of the services that office offers.

3. The date and time of the taking into custody.

4. The name and telephone number of the agency responsible for the child.

5. A statement of the reasons for temporary custody of the child.

6. A statement that the child must be returned within seventy-two hours excluding Saturdays, Sundays and holidays unless a dependency petition is filed and a statement that a child in temporary custody for examination because an exigent circumstance described in section 8-821, subsection L, paragraph 2 exists must be returned within twelve hours unless abuse or neglect is diagnosed.

7. One of the following:

(a) If a dependency petition has not been filed or if the information prescribed in subdivision (b) is not available, a statement that if a dependency petition is filed, the parent or guardian will be provided a written notice not later than twenty-four hours after the petition is filed that contains the information prescribed in subdivision (b).

(b) In all other cases, the date, time and place of the preliminary protective hearing to be held pursuant to section 8-824 and the requirements of subsection D of this section.

8. A statement of the right of the parent or guardian to counsel and that counsel will be appointed pursuant to section 8-221 through the juvenile court if a dependency petition is filed and the person is indigent.

9. Information regarding the ability of the person about whom the report was made to provide a verbal, telephonic or written response to the allegations. A verbal response shall be included in the written report of the investigation. A written response, including any documentation, shall be included in the case file.

10. A statement that the hearing may result in further proceedings to terminate parental rights.

11. A statement that the parent or guardian must immediately provide to the department the names, the type of relationship and all available information necessary to locate persons who are related to the child or who have a significant relationship with the child. If there is not sufficient information available to locate a relative or person with a significant relationship with the child, the parent shall inform the department of this fact. If the parent or guardian obtains information regarding the existence or location of a relative or person with a significant relationship with the child, the parent or guardian shall immediately provide that information to the department.

12. A statement that the parent or guardian must be prepared to provide to the court at the preliminary protective hearing the names, the type of relationship and all available information necessary to locate persons who are related to the child or who have a significant relationship with the child.

C. The child safety worker shall provide the parent or guardian with the notice even if the parent or guardian refuses to sign the acknowledgment.

D. Immediately before the time of the preliminary protective hearing, the persons described in section 8-824, subsection B shall meet and attempt to reach an agreement about placement of the child, services to be provided to the child, parent or guardian and visitation of the child. The parties shall meet with their counsel, if any, before this meeting. Consideration shall be given to the availability of reasonable services to the parent or guardian and the child's health and safety shall be a paramount concern. The persons described in section 8-824, subsection C may attend the meeting to reach an agreement.

E. If a dependency petition is filed by the department, the child safety worker is responsible for delivering the notice of the preliminary protective hearing prescribed in subsection B, paragraph 7 of this section to the parent or guardian. In all other cases, the person who files the dependency petition is responsible for delivery of this notice to the parent or guardian. If the location of the parent or guardian is unknown, the person who is responsible for serving this notice shall make reasonable efforts to locate and notify the parent or guardian.

#### **8-809.01. Parent, guardian or custodian; rights**

A. On initial contact with a child safety worker, a parent, guardian or custodian under investigation for an allegation of abuse or neglect has the following rights:

1. To be informed of the specific complaint or allegation against that person and that any responses to the complaint or allegation may be used in a subsequent court proceeding.
  2. To refuse to cooperate with the investigation or receive child safety services offered pursuant to the investigation. A child may not be temporarily removed based solely on a parent's, guardian's or custodian's refusal to cooperate with the investigation.
  3. Unless otherwise ordered by the court, to deny the worker entry into the parent's, guardian's or custodian's home.
  4. To respond to allegations either verbally or in writing and to have this information considered in determining if the child requires child safety services.
  5. To report a violation of the rights specified in this section without fear of punishment, interference, coercion or retaliation.
  6. To appeal determinations made by the department.
  7. To seek the advice of an attorney and to have an attorney present when questioned by a worker.
  8. Unless otherwise ordered by the court, to refuse to do any of the following:
    - (a) Sign a release of information document.
    - (b) Consent to take a drug or alcohol test.
    - (c) Submit to a mental health evaluation.
  9. To receive information about the investigation and the department's decision-making process.
  10. To be informed both verbally and in writing of these rights and any parental rights under state law and to provide written acknowledgement of receipt of these rights.
- B. If a child safety worker has probable cause to believe that exigent circumstances exist that present an imminent danger to the child, the worker shall take all lawful measures to protect the child pursuant to sections 8-821 and 8-822 before providing the notice of rights pursuant to subsection A of this section.
- C. Unless parental rights have been terminated, exigent circumstances exist or as otherwise ordered by the court, a parent, guardian or custodian whose child is placed in the department's custody has the following rights:
1. To not have the child taken into department custody without the department providing the reasons for removal and information supporting the removal.

2. To the extent practicable, be immediately notified verbally or in writing that the child was taken into custody.
3. To receive information on the services available to the child, parent, guardian or custodian and the dependency process and timelines.
4. To have an attorney present or an attorney appointed by the court at all court proceedings.
5. To be timely notified of the date, time and location of all hearings and to participate in all hearings.
6. Whenever possible, to participate in the development of a case plan.
7. To receive services if the child has been removed from the home, including services that facilitate reunification of the family.
8. To maintain contact with the child unless it is determined by the department or court to be harmful to the child's safety or well-being.
9. To be consulted about the child's medical care, education and grooming.
10. To request that the child be returned if the court finds by a preponderance of the evidence that the return of the child would not create a substantial risk of harm to the child's physical, mental or emotional health or safety.

D. The department shall provide information regarding a parent's, guardian's or custodian's rights pursuant to this section and assistance in understanding and enforcing these rights to each parent, guardian and custodian on initial contact with a child safety worker or when there is a change in the child's case plan. The information shall include the telephone number and email address of the department, the department's office of the ombudsman and the ombudsman-citizen aide.

E. If a parent, guardian or custodian believes that the person's rights under this section have been violated, the parent, guardian or custodian or the person's representative may:

1. File a complaint with the department, the department's office of the ombudsman or the ombudsman-citizens aide pursuant to section 41-1376. A formal grievance may be initiated with the ombudsman at any time.
2. Notify the juvenile court in the child's ongoing dependency or severance proceeding, either orally or in writing, that the parent's, guardian's or custodian's rights are being violated and request appropriate equitable relief. The court shall act on the notification as necessary within its discretion to promote the best interest of the child.

F. The rights provided in this section do not establish an independent cause of action.